

Message Text

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ACTION AF-18

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EO 11652 NA

TAGS: EAID EFIN PFOR IBRD GH

SUB: GHANA DEBT: CONTRACT REVIEW

REF: STATE 139080

1. UK HIGH COMMISSIONER STANLEY TODAY SENT TO CREDITOR COUNTRY EMBASSIES COPIES OF GOG STATEMENT ON RESULTS OF CONTRACT REVIEW. COPIES BEING POUCHED AF/W-GHANA DESK. COMMENT FOLLOWS SEPTTEL.

2. STANLEY COVER LETTER DATED JUNE 28 AS FOLLOWS:

BEGIN TEXT:

I INCLOSE A COPY OF A LETTER AND MESSAGE WHICH GENERAL ASHLEY LASSEN HANDED ME AT 10:30 THIS MORNING AT THE MINISTRY OF FOREIGN AFFAIRS, IN THE PRESENCE OF THE COMMISSIONER, LT.COL. BAAH. GENERAL ASHLEY LASSEN SAID THAT HE WAS ASKING ME TO ACT AS THE REPRESENTATIVE OF THE CHAIRMAN OF THE CREDITORS GROUP, AND EXPRESSED THE HOPE THAT THE CREDITORS WOULD REGARD THIS PROCEDURE AS MEETING THE OBLIGATIONS SPECIFIED IN SECTION VI (III) (A) OF THE AGREED MINUTE OF 13 MARCH 1974.

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I UNDERTOOK TO REPORT AS REQUESTED TO THE FOREIGN

AND COMMONWEALTH OFFICE AND SAID THAT I WOULD ALSO CIRCULATE COPIES OF THIS COMMUNICATION TO MY COLLEAGUES CONCERNED HERE. GENERAL ASHLEY LASSEN SAID THAT WOULD BE ACCEPTABLE.

THERE WAS OF COURSE NO DISCUSSION ON THE SUBSTANCE OF THIS COMMUNICATION. END TEXT.

3. COVER LETTER DATED JUNE 28 TO STANLEY FROM MINISTRY OF FINANCE:

BEGIN TEXT: EXCELLENCY, AGREED MINUTE ON GHANA MEDIUM TERM DEBT. I WOULD APPRECIATE IT VERY MUCH IF YOU WOULD TRANSMIT THE ATTACHED MESSAGE FROM THE GOVERNMENT OF GHANA THROUGH THE BRITISH FOREIGN OFFICE TO THE GOVERNMENTS OF THE CREDITOR COUNTRIES, PURSUANT TO THE PROVISIONS OF SECTION VI (III) (A) OF THE AGREED MINUTE ON THE REPAYMENT OF MEDIUM TERM DEBT BY THE GOVERNMENT OF GHANA DATED 13TH MARCH, 1974.

PLEASE ACCEPT ASSURANCES OF MY HIGHEST ESTIMATION. SIGNED, MAJOR-GENERAL N.Y.R. ASHLEY-LASSEN, LEADER OF THE GHANA NEGOTIATING TEAM. END TEXT.

4. MESSAGE PROPER, DATED JUNE 28:

BEGIN TEXT: MESSAGE FROM THE GOVERNMENT OF GHANA TO THE GOVERNMENTS OF THE CREDITOR COUNTRIES ON THE IMPLEMENTATION OF THE AGREED MINUTE DATED 13TH MARCH, 1974.

PURSUANT TO THE PROVISIONS OF SECTION VI (III) (A) OF THE AGREED MINUTE ON THE REPAYMENT OF MEDIUM TERM DEBT BY THE GOVERNMENT OF GHANA DATED 13TH MARCH, 1974, THE GOVERNMENT OF GHANA WISHES TO ADVISE THE CREDITOR COUNTRIES OF ITS POSITION ON THE MATTERS REFERRED TO IN THE SAID PROVISIONS AS FOLLOWS:

1. THE GOVERNMENT OF GHANA DOES NOT ACCEPT THE VALIDITY OF THE FOLLOWING CONTRACTS, ALL NEGOTIABLE INSTRUMENTS ISSUED IN CONNECTION THEREWITH, LIMITED OFFICIAL USE

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AND ALL CLAIMS ARISING UNDER SUCH CONTRACTS OR NEGOTIABLE INSTRUMENTS:

A. THE CONTRACT DATED MARCH 22, 1961 BETWEEN THE GOVERNMENT OF GHANA AND MESSRS. HENSCHEL WERKE OF WEST GERMANY FOR THE SUPPLY OF TEN DIESEL HYDRAULIC LOCOMOTIVES, AND ALL AGREEMENTS SUPPLEMENTAL THERETO.

B. THE CONTRACT DATED 29TH DECEMBER, 1964 BETWEEN THE GOVERNMENT OF GHANA ACTING BY THE TEMA DEVELOPMENT CORPORATION AND MESSRS. COCIE TE GENERALE DE COMPENSATION (SOGECO) OF FRANCE AS AMENDED BY CONTRACT DATED THE 11TH MARCH, 1967 BETWEEN THE SAME PARTIES, FOR THE CONSTRUCTION OF BLOCKS OF FLATS AT TEMA, AND ALL AGREEMENTS SUPPLEMENTAL THERETO.

2. THE GOVERNMENT OF GHANA ALSO WISHES TO NOTIFY THE CREDITOR GOVERNMENTS OF ITS INTENTION TO CHALLENGE THE PERFORMANCE OF THE FOLLOWING CONTRACTS, AND THE AMOUNTS OF THE CLAIMS RELATING THERETO, WHETHER ARISING UNDER THE SAID CONTRACTS OR UNDER THE NEGOTIABLE INSTRUMENTS ISSUED IN CONNECTION THEREWITH:

A. THE CONTRACT DATED JUNE 22, 1962 BETWEEN THE GOVERNMENT OF GHANA AND MESSRS. GAMMON ENGINEERS LIMITED OF THE UNITED KINGDOM (WHICH SUBSEQUENTLY BECAME GAMMON OVERSEAS LIMITED) IN CONNECTION WITH THE WEIJA/KPONG WATER WORKS EXTENSIONS, AND ALL AGREEMENTS SUPPLEMENTAL THERETO.

B. THE CONTRACT DATED 21ST FEBRUARY, 1963 BETWEEN THE GOVERNMENT OF GHANA AND MESSRS. STAHLUNION EXPORT GMBH OF WEST GERMANY IN RESPECT OF THE ABOSO GLASS FACTORY, AND ALL AGREEMENTS SUPPLEMENTAL THERETO.

C. THE CONTRACT DATED 1ST MAY 1963 BETWEEN THE GOVERNMENT OF GHANA AND MESSRS. SOCIETE ALSACIENNE DE CONSTRUCTIONS MECANIQUES AND SOCIETE ALSACIENNE LIMITED OFFICIAL USE

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D'ETUDES ET DE TRAVAUX, BOTH OF FRANCE FOR THE CONSTRUCTION OF A VERTICAL INTEGRATED TEXTILE MILL, AND ALL AGREEMENTS SUPPLEMENTAL THERETO.

3. THE GOVERNMENT OF GHANA WOULD LIKE TO STRESS THAT THE SPECIFIC MENTION OF THE ABOVE THREE CONTRACTS DOES NOT EXHAUST THE CONTRACTS WHOSE PERFORMANCE THE GOVERNMENT WISHES TO CHALLENGE, AND THAT, IN ACCORDANCE WITH THE PROVISIO TO SECTION VI (III) (A) OF THE AGREED MINUTE, THE OMISSION OF THE NAME OF ANY CONTRACT FROM THIS STATEMENT WILL NOT PRECLUDE THE GOVERNMENT OF GHANA FROM SUBSEQUENTLY QUESTIONING THE PERFORMANCE OF SUCH CONTRACT OR THE AMOUNTS OF ANY CLAIMS RELATING THERETO.

4. THE GOVERNMENT OF GHANA REGRETS THAT DOCUMENTARY

EVIDENCE OF CERTAIN CONTRACTS WAS NOT FURNISHED BY THE CREDITORS PURSUANT TO THE PROVISIONS OF SECTION V (II) OF THE AGREED MINUTE. IN THE CIRCUMSTANCES, THE GOVERNMENT OF GHANA DOES NOT HAVE ANY BASIS FOR DETERMINING THE VALIDITY OF THE FOLLOWING CONTRACTS:

A. A CONTRACT ALLEGEDLY ENTERED INTO BETWEEN THE GOVERNMENT OF GHANA AND MESSRS. PHILLIPS OF HOLLAND IN CONNECTION WITH THE DORLE BU HOSPITAL EXTENSIONS.

B. CONTRACTS ALLEGEDLY ENTERED INTO BETWEEN THE GOVERNMENT OF GHANA AND BORINI PRONO OF ITALY FOR THE CONSTRUCTION OF 1,200 HOUSES IN TEMA AND THE EXTENSION OF 1,200 HOUSES IN TEMA.

THE GOVERNMENT OF GHANA WOULD APPRECIATE IT IF THE NECESSARY DOCUMENTARY EVIDENCE AND OTHER PARTICULARS WOULD BE SUPPLIED TO ENABLE THE EXTERNAL DEBT COMMITTEE TO ASSESSTHE VALIDITY OF THE SAID CONTRACTS AND ANY CLAIMS RELATING THERETO.

SIGNED, MAJOR-GENERAL N.Y.R. ASHLEY-LASSEN, LEADER OF THE GHANA NEGOTIATING TEAM. END TEXT.
HANSON

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